Division Bench

(1)

CF-1301

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P. NO. 4247/2006

Petitioner : C.G. Mahila Mahavidhyalaya
Through: Md. Tahir Khan
S/o Late Shri Ismail Khan 57 years,
President Ghalib Memorial
Educational Society, Sector-6
Bhilai, Distt. Durg

P.R. No. 43137
Presented by Shri Pawan Kashyap
dated 7/8/06

Versus

Respondents : 1. State of Chhattisgarh
Through: The Secretary,
School Education Department,
Govt. of Chhattisgarh,
D.K.S. Bhawan Raipur,
Distt. Raipur (C.G.)

2. The Regional Director,
National Council For Teacher
Education Western Regional
Committee, Manas Bhawan,
Shyamla Hills,
Bhopal – (M.P.)

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3. The Director
State Education Research &
Training Council Shankar Nagar,
Raipur, Distt. : Raipur (C.G.)

4. Pt. Ravi Shankar University,
Through: The Registrar, Raipur,
Distt. : Raipur (C.G.)

(2)

WRIT PETITION U/A 226 / 227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

**मामला क्रमांक** W.P.No.4242/06 **सन् 200**

**आदेश पत्रक (पूर्वानुबद्ध)**

| आदेश का दिनांक तथा आदेश क्रमांक | हस्ताक्षर सहित आदेश | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

**DIVISION BENCH**
**HON'BLE SHRI DHIRENDRA MISHRA, AND**
**HON'BLE SHRI SATISH KUMAR AGNIHOTRI, JJ**

**10.1.2007**

Mr. Sunil Otwani, Mr. Prafull Bharat and Mr. S.K. Thoman, learned counsel for the petitioner (s).

Mr. Vinay Harit, learned Dy. A.G., for the State/respondents.

Mr. P.K. Verma, learned Sr. Advocate with Mr. Raghvendra Verma, Mr. Jitendra Pali and Mr. Gouree Shankar, learned counsel for other respondents.

Director, State Education Research and Training Council is present in person.

Heard.

Common order dictated in W.P.No. 929 of 2006 in open Court, passed separately.

A copy of this order be placed on the record of the connected writ petitions.

**Sd/-**
**Dhirendra Mishra**
**Judge**

**Sd/-**
**Satish K. Agnihotri**
**Judge**

P.T.O.

**HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR**
**(DIVISION BENCH)**

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**CORAM: HON'BLE SHRI DHIRENDRA MISHRA, AND**
**HON'BLE SHRI SATISH KUMAR AGNIHOTRI, JJ**

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**WRIT PETITION NO. 2829 OF 2006**

Petitioner : Maulana Azad College of Education

***VERSUS***

Respondents : State of Chhattisgarh & others.

**WRIT PETITION NO. 4911 OF 2006**

Petitioner : G.D.R. Educational Society

***VERSUS***

Respondents : State of Chhattisgarh & others.

**WRIT PETITION NO. 4242 OF 2006**

Petitioner : C.G. Mahila Mahavidyalaya

***VERSUS***

Respondents : State of Chhattisgarh & others.

**WRIT PETITION NO. 929 OF 2006**

Petitioner : St. Thomas College

***VERSUS***

Respondents : State of Chhattisgarh & others.

**WRIT PETITION NO. 951 OF 2006**

Petitioner : Christ College, Jagdalpur

***VERSUS***

Respondents : State of Chhattisgarh & others.

**WRIT PETITION NO. 952 OF 2006**

Petitioner : St. Vincent Palloti College

***VERSUS***

Respondents : State of Chhattisgarh & others.

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Present:- Mr. Sunil Otwani, Mr. Prafull Bharat and Mr. S.K. Thoman, learned counsel for the petitioner (s).
Mr. Vinay Harit, learned Dy. A.G., for the State/ respondents.
Mr. P.K. Verma, learned Sr. Advocate with Mr. Raghvendra Verma, Mr. Jitendra Pali and Mr. Gouree Shankar, learned counsel for other respondents.
Director, State Education Research and Training Council is present in person.

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**ORDER**
**(Passed on 10th January 2007)**

The following order of the Court was passed by **Dhirendra Mishra, , J.**

The above petitions are being disposed of by this common order as learned counsel for appearing for the parties jointly submits that the facts and question of law involved in the present petitions are common,.

Mr. Vinay Harit, learned Dy. A.G. appearing for the State/respondents on instructions from Director, State Education Research and Training Council states that the Government has decided to make necessary amendments in the prevalent law in the light of decisions rendered by the Hon'ble Supreme Court in the matters of **Dr. Pradeep Jain etc Vs. Union of India and others (AIR 1984 S.C. 1420), The Kerala Education Bill, 1957 (AIR 1958 S.C. 956), T.M.A. Pai Foundation and others Vs. State of**

**Karnataka and others, (2002) 8 S.C.C. 481** and **P.A. Inamdar and others Vs. State of Maharashtra and others, (2005) 6 S.C.C. 537**. He submits that the all this exercise, in any case, will be completed before 31st March 2007.

In view of the submission made by Mr. Vinay Harit, learned Dy. A.G., learned counsel for the petitioners seek to withdraw their petitions with liberty to file afresh in case any cause of action survives. However, they submit that during pendency of these petitions effect and operation of the rules were stayed by this Court as a result of which the petitioners/institutions have admitted students in their institutions, therefore, interim order passed by this Court may be directed to continue till the amended rules are finally notified by the State Government.

Prayer made by learned counsel for the petitioners appears to be just and reasonable.

In view of submissions made by the parties, the instant petitions are disposed of with liberty to the petitioners to file appropriate proceedings available under the law if cause of action survives to them after withdrawal of their petitions and the interim order passed by this Court from time to time shall remain in force till the amended rules are notified by the State.

A copy of this order be placed on the record of the connected writ petitions.

Sd/-
Dhirendra Mishra
Judge

Sd/-
Satish K. Agnihotri
Judge